

# State Notes

## TOPICS OF LEGISLATIVE INTEREST

July/August 2004



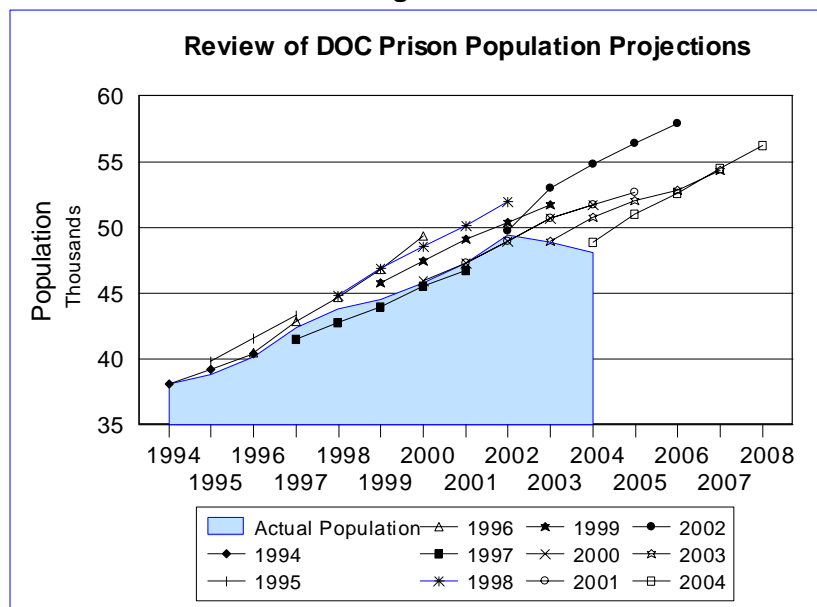
### Prison Population Projections: A Review By Bethany Wicksall, Fiscal Analyst

In a previous prison population update, the Senate Fiscal Agency reported that the Department of Corrections (DOC) had staunched the rapid increase in the prison population that occurred in 2002, but perhaps only by temporary means. The DOC's own population projections showed the population returning to its previous growth rates for the balance of 2003 and into the future. Population growth since has remained down, however, and the DOC ended 2003 with the first full-year population decline since 1983. Eight months into 2004, the population has continued to decrease, despite updated projections that again expected the contrary. This article provides a review of the Department's prison population projections and discusses the mitigating factors that help to explain some of the recent differences between the projections and actual growth.

### Population Projections

Boilerplate language in the annual appropriation bill for the DOC requires that the Department provide three- and five-year prison population projections to the Legislature by February 1 of each year. In order to make these projections, the DOC uses a model that simulates population growth based on recent data regarding the existing prison population and an assumption of no change in legislation, administrative policy, or judicial practice. It takes into account various factors, including the number of felony dispositions, the distribution of sentence lengths among the existing population, and parole rates, as well as data on each of the four major components of population intake: newly committed inmates, probation technical rule violators, parole technical rule violators, and parolees with new sentences. The Department of Corrections staff also may include assumptions in order to adjust for changes the data will not yet reflect or to correct for what they know will be simply a one-time or short-term phenomenon. The model then produces a potential population trend line for the next five years. Figure 1 shows these annual projections for the last 10 years as compared with the actual growth of the prison population.

Figure 1



Source: MDOC Prison Population Projections and Data Fact Sheets.



It often has been true that the actual population has grown less than the DOC anticipated in its projections. The DOC acknowledges that it errs on the conservative side in order to prevent running out of beds and crowding, which can create both budgetary and safety concerns. Given that new construction takes up to three years, the Department feels that it cannot afford to underestimate its future bed needs. Table 1 shows the overall percentages by which the projections were different from the actual population by the end of each year for which they were made. As can be expected, the projections are nearly accurate for the first year but become less so further into the future. On average the projections are off by 1.2% in either direction for the first year and 5.37% by year five. Given that this type of trend modeling is an imprecise science and that population growth is heavily influenced by policy changes, these projections are fairly accurate. It also is noteworthy, however, that 5% of a population of 48,000 prisoners is 2,400. This is slightly higher than the average number of beds in two prisons, so relying too heavily on long-term projections can lead to the construction of unnecessary facilities.

**Table 1**

<b>Percent Difference of Projections from Actual Prison Population</b>					
<b>Projection Year</b>	<b>Number of Years Out</b>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1994	-0.14%	1.06%	0.60%	N/A	N/A
1995	2.54%	3.59%	2.17%	N/A	N/A
1996	0.88%	1.03%	2.02%	5.31%	7.68%
1997	-2.17%	-2.31%	-1.08%	-0.58%	-1.16%
1998	2.37%	5.37%	5.99%	6.05%	5.05%
1999	2.87%	3.63%	3.84%	1.90%	5.85%
2000	0.30%	-0.03%	-0.97%	3.73%	7.08%
2001	-0.03%	-0.97%	3.73%	7.08%	
2002	0.59%	8.38%	13.50%		
2003	0.23%	5.05%			
<b>Average Absolute Value</b>	<b>1.21%</b>	<b>3.14%</b>	<b>3.77%</b>	<b>4.11%</b>	<b>5.37%</b>

**Source:** Senate Fiscal Agency

### **Mitigating Factors**

It also is true that a population projection warning of an impending dearth of beds can lead to policy and administrative changes, which if successful in limiting population growth, quickly will make a projection outdated and seemingly overestimated. This can be seen from the events of the past few years. The 2000 and 2001 projections were initially quite accurate. During the second half of 2001, however, two things began to happen. Prison intake began to climb faster than expected, and the number of prisoners participating in community residential programs fell more quickly than the DOC had anticipated it would. Without enough data to explain why either of these events was taking place, the DOC postponed making the 2002 population projections. When the DOC did finally release projections in December 2002, these trends had exacerbated, growth had climbed to over 5%, and the Department expected to run out of beds by the fall of 2003. In order to prevent that from occurring, the DOC took immediate steps to address the issue. Initially, these included approving earlier parole dates for offenders who had been approved for release at a later date (fixed-date paroles); encouraging parole officers to use more community sanctions for parole technical violators rather than sending them back to prison; and implementing a parole violator

**State Notes**  
TOPICS OF LEGISLATIVE INTEREST  
July/August 2004



diversion program in which offenders who returned to prison could receive six-month continued prison sentences instead of the typical 12- to 18-month continuances.

These changes created an immediate impact on population growth, which was furthered in early 2003 by the elimination of mandatory minimum sentences for drug offenders, making a number of first-time, nonviolent offenders immediately eligible for parole, as well as the implementation of the first two phases of the DOC's five-year plan to reduce population growth. This included reducing prison commitment rates for offenders with short sentences through increased collaboration with community corrections programs; emphasizing the use of drug courts and treatment programs for substance abuse and drunk-driving offenders; and expanding the use of community residential programs for prisoners past their earliest release date. The Department also began to see an increase both in the number of parole decisions and in the parole approval rates. Again, the DOC waited to release projections until August 2003 when it had a better grasp of how these changes would play out. Despite having seen decreases in the population for the first time in many years, the Department was cautious about its ability to maintain those trends without the addition of sentencing guidelines revisions and the success of the prisoner re-entry initiative to create long-term population reductions. Thus, the 2003 population projection showed the population resuming a growth rate resembling recent experiences.

The 2004 projection released just five months later proceeded in a similar manner. It recognized the continued decline in the prison population, which pushed the run-out-of-beds date back from September 2003 to August 2005. (The beds counted, however, do not include approximately 1,500 in the Michigan Reformatory and Jackson Maximum facilities, which are both currently vacant but unfunded.) Nevertheless, the DOC was still reluctant to rely on the short-term solutions it had used, and forecasted a return to 3.5% growth absent other long-term initiatives. Instead, the prison population has fallen another 1% in 2004 and is currently 700 offenders fewer than the most recent projections anticipated. A continued decline in the two largest segments of the intake population, new commitments and probation violators, as well as an increase in parole rates, which have climbed from 48.4% in 2002 to 54.2% this year, have helped maintained this downward trend. It remains to be seen, however, how long the trend will last, and whether other initiatives will control population growth enough to avoid further prison construction.